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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,952	03/07/2001	Yigang Cai	Cai 19-13	6742

7590 10/01/2003

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,952

Applicant(s)

CAI ET AL.

Examiner

Rasha S AL-Aubaidi

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shtivelman et al (US PAT # 6,259,692) in view of Epler (US PAT # 6,026,156).

Regarding claim 1, Shtivelman teaches a Public Switched Telephone Network (PSTN 100), the method comprising the steps of: a) connecting a subscriber's telephone line (this reads on telephone 111 in Fig.1) to an Internet Service Provider (ISP 130 in Fig.1), see col.4, lines 36-41). b) while said subscriber's telephone line is

Art Unit: 2642

connected to said ISP, disabling an Internet Call Waiting (ICW) server (see col.3, lines 60-65); f) via said enabled ICW server, displaying caller identification information to said subscriber (this reads on col.5, lines 53-56) when a call has been connected to said ICW server to allow said subscriber to cause said call to be connected, or ignore the call (this reads on the client's options, see col.5, lines 57-67 and col.6, lines 1-20).

Shtivelman does not specifically teach ascertaining whether a calling party has input a subscriber-defined access code and connecting said calling party to said ICW server and enabling it, if said calling party has input said access code or not connecting said calling party to said ICW server if said calling party has not input said access code.

However, Epler teaches Enhanced Call Waiting System, which can be activated by sending a signal to the public switch (typically in the form of a flash hook to acquire a second dial tone, dial a call waiting code, and then dial home telephone number), see col.6, lines 34-55.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of activating the Call Waiting service by dialing an access code as taught by Epler into the Shtivelman system in order to reduce the interspersions and to provide the user with the option of whether to accept or deny calls while he/she on an Internet session).

Art Unit: 2642

Regarding claim 2, for the access code comprises a security code comprising a plurality of alphanumeric characters in a specific order as established by said subscriber (this is obvious and well known in the art, since most of passwords, pins and/or codes have to be certain combination of alphanumeric characters in a specific order.

Regarding claim 3, for the use of an ICW trigger adapted to trigger the operation of said ICW server, said trigger code being established by the operator of said PSTN (this reads on the alert signal, see col.3, lines 32-48, also see col.5, lines 45-55).

Regarding claims 4-6, Epler teaches the step of g) performing step d only if the calling party number is permissible according to subscriber-defined screening criteria (this basically reads on the allowing the call based on the caller ID information and that every calls will be screened based on the information stored in the data base, see col.4, lines 63-67 and col.5, lines 1-5).

Regarding claim 7, Epler teaches the calling party inputs said access code as part of a prefix to said subscriber's telephone number when said calling party places a call to said subscriber's telephone line (this basically reads on dialing a call waiting code, and then dialing home telephone number, see col.6, lines 34-55).

Art Unit: 2642

Regarding claim 8, Epler teaches the step of: j) prompting said calling party to input said access code (this basically means asking the calling party to enter the access code, see col.5, lines 25-40).

Regarding claims 9-10, Epler teaches the step of: maintaining a subscriber reviewable log of all telephone calls attempted to be made to the subscriber during a subscriber's Internet Call session (this reads on the feature of informing the user of a missed call while he/she being on an Internet session, see Fig. 4I step 928). Obviously, Epler teaches that each call attempted to the user will be stored and saved in a database in order to be retrieved from the user later on, see for example col.5, lines 10-25).

Regarding claim 11, Epler teaches the use of a local switch (this reads on local switch 20, see Fig.3).

Regarding claims 12-21, for the steps a) through e) are carried out via an Intelligent Network. When certain features like call waiting, call blocking, or call forwarding were able to be applied in an PSTN then obviously it is possible to be applied in a different environment such as IN.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703)

Art Unit: 2642

605-5145. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha S Al-Aubaidi

09/22/2003

Harry S. Hong

**HARRY S. HONG
PRIMARY EXAMINER**